

REMARKS

Applicants' undersigned attorney thanks the Examiner for his comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-48 are pending, with Claims 23-48 withdrawn from consideration.

Amendments to the Claims

Claims 1-22 have been examined with no claims being allowed. Applicants have amended Claims 1, 2, and 4-22, canceled Claims 3 and 23-48, and added Claims 49-60. No new matter has been added by this Amendment.

Claim 1 has been amended to clarify that the recited article is not merely a garment, but is a garment "liner." In contrast to a garment, which may be worn alone, under another garment, or over another garment, a garment liner is specifically worn beneath another garment. Support for this amendment is provided throughout the specification, such as at page 19, lines 18-20. The preambles of Claims 2 and 4-22 have been amended to be consistent with the amendments to Claim 1.

Claim 1 has also been amended to recite the limitation of the garment liner being substantially free of an absorbent assembly, to clarify the original limitation of the garment liner being substantially free of absorbent material.

Claim 1 has been further amended to include the limitations of Claim 22 in place of the fastening means limitation. Consequently, Claim 22 has been amended to include the limitation of the side seams being permanently bonded. Support for this amendment is provided at page 17, lines 10-12, of the specification. Claim 21 has been amended to be consistent with the language of amended Claim 1.

Applicants respectfully request cancellation of Claim 3, since the limitation of Claim 3 is included in Claim 1. Consequently, Claims 4-6 have been amended to depend from Claim 1 rather than from Claim 3.

Applicants respectfully request cancellation of Claims 23-48, without prejudice. Claims 23-48 are directed to a non-elected invention.

Applicants have added Claims 49-60 to further define the invention.

A check is enclosed to cover the cost of adding one additional independent claim.

Election/Restrictions

In response to the Examiner's restriction requirement, Applicants affirm election of Group I, which includes Claims 1-22.

Claim Rejections - 35 U.S.C. §112

The rejection of Claims 1-22 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention is respectfully traversed, particularly in view of the above Amendment and the following remarks.

The Examiner has indicated confusion over the limitations of Claim 1 in view of Claims 4, 5, and 7. Original Claim 1 recited a garment comprising a liquid-permeable nonwoven material, wherein the garment is substantially free of absorbent material and substantially free of liquid-impermeable material. Applicants have amended Claim 1 to instead recite a garment liner that includes a liquid-permeable nonwoven material and is substantially free of an absorbent assembly and substantially free of liquid-impermeable material. The term "absorbent assembly" is described at page 29, lines 3-6, of the specification as "any structure which is generally compressible, conformable, non-irritating to the child's skin, and capable of absorbing and retaining liquids and certain body wastes." Furthermore, the terms "liquid-permeable" and "liquid-impermeable" are defined at page 10, lines 8-13, of the specification.

Although polypropylene, polyethylene, and nylon may have some degree of absorptive properties, none of these materials, per se, is necessarily an "absorbent assembly" in accordance with the meaning of the term "absorbent assembly" as used in the present invention.

For at least the reasons given above, Applicants respectfully submit that Claims 1-22 are not indefinite. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1-11 and 17-22 under 35 U.S.C. §102(a) as being anticipated by Cristoffel et al. (U.S. Patent No. 6,582,412, hereinafter “Cristoffel”) is respectfully traversed.

Cristoffel discloses a disposable swimsuit that provides coverage of a wearer’s upper torso. For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Cristoffel does not disclose each and every element or limitation of amended Claim 1.

Applicants’ invention as recited in Claim 1 is directed to a stand-alone disposable garment *liner* that is substantially free of an absorbent assembly and substantially free of liquid-impermeable material. In contrast, Cristoffel discloses a swimsuit that either includes an absorbent assembly, or a stand-alone swimsuit garment that may be worn *over* an absorbent garment (Col. 8, lines 43-48). Thus, Cristoffel fails to disclose a stand-alone disposable garment liner that is substantially free of an absorbent assembly.

With respect to Claims 2 and 3, the Examiner has interpreted “mesh” to mean “woven.” However, the term “mesh” does not necessarily imply “woven.” As defined in the American Heritage Dictionary of the English Language, Fourth Edition (2000), published by Houghton Mifflin Company, the most pertinent meaning of the term “mesh” as used in the present invention is “an openwork fabric or structure.” Furthermore, acting as their own lexicographers, Applicants have provided a more detailed definition of the term “mesh” as referring to “a material that has the ability to allow fluid and particulates of a specific size range to filter through. This can be accomplished by mechanical means (e.g. pin roll aperturing) or the process by which to make the material (hydroentangling, meltblowing, spunbonding). The material has an open network that allows fluid or particulates of a specific size to pass through it.” (Page 11, lines 13-17). Thus, even nonwoven material may be a mesh material.

For at least the reasons presented above, Applicants respectfully submit that Claim 1 is not anticipated by Cristoffel. Because Claims 2-11 and 17-22

depend from Claim 1, these claims are also not anticipated by Cristoffel. Thus, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 12-16 under 35 U.S.C. §103(a) as being unpatentable over Cristoffel is respectfully traversed, particularly in view of the above Amendment and the following remarks.

Contrary to the Examiner's assertion, the claimed pore sizes are not arbitrary or obvious. As explained at page 20, lines 10-17, of the present application, mesh material having the specific ranges of hole sizes articulated in Claims 12-16 has been found to be permeable to liquid and fine particulates, such as sand, but substantially impermeable to bowel movement materials. Cristoffel fails to disclose or suggest any type of material or garment that is permeable to liquid and fine particulates but is substantially impermeable to bowel movement materials.

Furthermore, as explained above, Cristoffel fails to disclose or suggest a stand-alone disposable garment liner, particularly a garment liner that is substantially free of an absorbent assembly. To the contrary, Cristoffel discloses a stand-alone swimsuit garment that may be worn *over* an absorbent garment, thereby teaching away from the concept of a garment liner.

For at least the reasons given above, Applicants respectfully submit that the teachings of Cristoffel fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

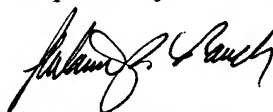
Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Serial No. 10/021,901

Docket No.: KCC-15,611

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melanie I. Rauch", written in a cursive style.

Melanie I. Rauch

Registration No. 40,924

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403